

REMARKS

The indication of allowable subject matter with respect to claims 8, 9, 18 and 19 is appreciated.

Note here that there is no rejection of claims 3 and 13, even though there is an indication that these claims were rejected. That is, no art has been applied against the features of these claims.

Claims 5, 6, 21, 24, 25, 28, 29 and 32 were rejected under 35 U.S.C. §102(b) as being anticipated by Nakamura et al. (US 5,768,095). The applicant respectfully traverses this rejection for the following reason(s).

Nakamura fails to disclose all that is claimed. Note that in order for an anticipation rejection to be proper, the anticipating reference must disclose exactly what is claimed. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 21, 25 and 29 call for a 'rib' and the engagement of that rib with a groove of a deformable coupling extending from an inner surface of one of a bezel (front cover) and rear cover.

In particular, the claims call for *at least one rib formed to project from a peripheral surface of a first one of the bezel and the rear cover; and at least one deformable coupling bearing a groove, extending from an inner surface of a different one of the bezel and the rear cover, oriented to embrace a correspond rib during said mating, wherein the rib is inserted in the groove.*

The Examiner erroneously refers to "an edge portion" Nakamura's notch 57b' as corresponding to the claimed 'rib'. Additionally, the Examiner refers to Fig. 10A, stating that the "rib" is better seen in that figure.

However, what is seen in Figure 10 is in fact better seen when referring to Fig. 8. What the Examiner identifies as a "rib", i.e., and edge portion of 57b', is clearly not a "rib." The definition of a 'rib' (i.e., something resembling a rib in form, position or use, as a supporting or strengthening part).

Additionally, the Examiner has failed to explain how an edge portion of notch 57b' meets the requirement set forth in claim 21 that the rib *project from a peripheral surface*. As can clearly be seen in Fig. 8, the notch is below the edge of the side wall of front bezel 53, ands there is no projection of the edge of notch 57b'.

Accordingly, since the edge portion of Nakamura's notch 57b' does not project from a peripheral surface of the bezel nor the rear cover, the rejection is deemed to be in error as failing to anticipate claims 21, 25 and 29.

"There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps clinic & Research*

Foundation v. Genentech, Inc., 927 F.2d 1565, 18 USPQ2d 1001, 18 USPQ2d 1896 (Fed. Cir. 1991).

Further, claims 21 and 25 call for *at least one deformable coupling bearing a groove, extending from an inner surface of a different one of the bezel and the rear cover, oriented to embrace a correspond rib during said mating, wherein the rib is inserted in the groove*; and claim 29 calls for *aligning at least one rib formed to project from a peripheral surface of a first one of the bezel and a rear cover to engage a groove borne by at least one deformable coupling extending from an inner surface of a different one of the bezel and the rear cover*.

The Examiner states that Nakamura comprises "at least one deformable coupling (57b, fig. 4) bearing a groove (on the right hand side of the upper end portion of 57b shown in fig. 10A, not labeled), extending from and inner surface of the rear cover (fig. 10B), oriented to embrace a correspond rib . . ."

Nakamura's rear cover 51 includes a side wall (see Figs. 4, 10A and 10B) from which latch 57b extends.

Nakamura states "The latches 57a and 57b are integrally and symmetrically formed at the top ends of the side walls of the rear cover 51." The Examiner refers to latch 57b as corresponding to the claimed 'deformable coupling'. Nakamura further states "When the side wall of the rear cover 51 is pressed outward by force R, the latch 57b is displaced outward and can be disengaged from the notch 57b'."

Accordingly, it is Nakamura's side wall that is deformable, not latch 57b.

First, latch 57b does not deform with respect to its positional relationship with the side wall

of rear cover 51.

Second, the side wall fails to meet the requirement that the deformable coupling **extend** from an inner surface of one of a bezel (front cover) and rear cover. Instead, the side wall defines the inner surface.

Third, notch 57b' engages the lip formed by latch 57b where latch 57b and the side wall of rear cover 51 meet. There is no groove *borne* by either latch 57b or the side wall of rear cover 51.

Therefore, Nakamura fails to anticipate the claimed subject matter set forth by claims 5, 6, 21, 24, 25, 28, 29 and 32.

Accordingly, the rejection is deemed to be in error as failing to anticipate claims 21, 25 and 29.

Therefore, the rejection of claims 5, 6, 21, 24, 25, 28, 29 and 32 is deemed to be in error and should be withdrawn.

Furthermore, claim 5 calls for *a pair of stops protruding from a rear surface of the bezel to engage the panel support and prevent the panel support from moving across a plane of the panel.*

The Examiner refers us to Nakamura's Fig's 6 and 7 but **fails identify** which element in these figures equates to the claimed pair of stops.

Note, *Ex parte Levy*, 17 USPQ2d 1461, 1462 (1990) states:

"it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference."

With respect to claim 21, the Examiner referred to Nakamura's element 61 as corresponding to the claimed *panel support*.

With respect to Fig. 6, Nakamura discloses "FIG. 6 is a rear perspective view of the front bezel 53 of the lid 50 with the rear cover 51 removed. Referring to this figure, the front bezel 53 and a back member 61 are integrally formed (i.e., inseparable)."

Thus, if back member (panel support) 61 is integrally formed with front bezel 53, then it is clear that the panel support will not move. Therefore, there are no stops necessary to *prevent the panel support from moving across a plane of the panel*.

Accordingly, the rejection of claim 5, and similarly, claims 6, 24, 28 and 32 which all claim a *stop*, is deemed to be in error and should be withdrawn.

Claims 15, 16, 22, 23, 26, 27, 30 and 31 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Nakamura et al. The Applicant respectfully traverses this rejection for the following reason(s).

Claims 15, 16, 22, 23, 26, 27, 30 and 31 depend from independent claims 21, 24 or 29, and thus include the features set forth by claims 21, 24 or 29. Accordingly, claims 22, 23, 26, 27, 30 and 31 are deemed to be allowable over Nakamura for the same reasons as outlined regarding the §102(b) rejection.

Additionally, claims 15, 16 are similar to claim 5, and thus are not disclosed nor taught by

Nakamura since there are is need for such *stops* due to the panel support 61 and bezel 53 being integrally formed.

Also, the claims call for one rib (or coupling) **disposed at each corner** portion of the rear cover, and a corresponding coupling (or rib) **disposed at each corner** portion of the bezel.

The Examiner erroneously holds such positioning of the ribs and couplings in Nakamura to be a mere duplication of rearrangement of parts involving routine skill in the art (MPEP §2144.04).

Note that the intension and desire for Nakamura's positing of parts (latches and notches) is to make the disassembly and reassembly of the front (bezel) and rear lid portions of a lid relatively simple operations. Nakamura's description of Figs. 3A and 3B and Figs. 10A and 10B outline this simple procedure. See col. 6, line 62-col. 7, line 6 and col. 9, line 61-col. 10, line 10.

Placing latches and notches in the four corners of the front (bezel) and rear lid portions will not allow the front (bezel) and rear lid portions to be **easily separated** in the manner described by Nakamura. It is quite understood by one of ordinary skill in the art that the side walls of the rear lid portion which are easily deformable along a central portion of the side wall, whereas, the side walls would not be easily deformable near the four corners. Note that the claims also stipulate that the ribs and coupling be *disposed at each corner portion*, not **near** each corner portion, and if such were the case in Nakamura, the separation of the bezel from the rear lid would become extremely difficult.

Accordingly, duplicating Nakamura's parts would require more steps in separating the two lid portions, and repositioning those parts to the four corners would prevent the desired easy separation from being performed at all.

Such a modification would destroy the intended purpose of Nakamura's device such that it would no longer be able to function as intended, and such destruction is an important indication of non-obviousness, see *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Accordingly, the rejection is deemed to be in error and should be withdrawn.

Claims 7 and 17 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Nakamura et al. in view of Lee et al. The Applicant respectfully traverses this rejection for the following reason(s).

Claims 7 and 17 are deemed to be allowable over the applied art at least for the same reasons discussed above with respect to their parent claims, as Lee fails to teach or suggest modifying Nakamura to include the features noted above as lacking in Nakamura.

Uniroyal, Inc. v Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988) states: "Something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination"; and cites *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1462, 221 USPQ 481, 488 (Fed. Cir. 1984), which cites *In re Imperato*, 486 F.2d 585, 179 USPQ 703 (CCPA 1973).

The Examiner discusses Lee's "stops" (535). Lee discloses protrusions 535 are formed at the rear surface of the front case 500 along its edge, and are inserted into coupling holes 450 to be fixed to the main chassis 400. Here, the Examiner refers to Lee's main chassis as a "panel support",

and indicates that protrusions 535 engage the main chassis (panel support) 400 "and prevent the panel support from moving across a plane of a panel (300 . . .)"

As has already been discussed above, Nakamura's panel support 61 is integrally formed with front bezel 53 and therefore is incapable of moving across a panel bearing screen 52. Therefore one of ordinary skill in the art would have no motivation to look to Lee for a teaching of how to prevent a panel support from moving across a plane of a panel, since the panel support is already incapable of moving across a plane of a panel.

Accordingly, there is no teaching in Lee which would have moved one of ordinary skill in the art to modify Nakamura to incorporate any of the features described by Lee, as no advantage will be gained by doing so. See *In re Sernaker*, 702 F.2d 989, 217 USPQ 1 (Fed. Cir. 1983) which states: "prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings."

It is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. *In re Wesslau*, 353 F.2d 238, 241, 147 USPQ 391, 393 (CCPA 1965); see also *In re Mercer*, 515 F.2d 1161, 1165-66, 185 USPQ 774, 778 (CCPA 1975).

Accordingly, the rejection of claims 7 and 17 is deemed to be in error and should be withdrawn.

The Examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Amendment, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

Respectfully submitted,



Robert E. Bushnell
Attorney for Applicant
Reg. No.: 27,774

1522 K Street, N.W.
Washington, D.C. 20005
(202) 408-9040

Folio: P56406
Date: 4/7/05
I.D.: REB/MDP